

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA,

*

v.

*

Criminal No.: RDB-10-0212

GREGORY ALFRED WHYTE,

*

Defendant.

*

* * * * *

MEMORANDUM ORDER

Via Order dated December 20, 2016 (ECF No. 192), this Court denied the *pro se* Petitioner Gregory Alfred Whyte's ("Petitioner" or "Whyte") Motion for Sentence Reduction under 18 U.S.C. § 3582(c)(2) based on retroactive application of Amendment 782 to the United States Sentencing Guidelines¹, which lowered the offense levels for drug offenses. Currently pending before this Court is Petitioner's Motion for Reconsideration of this Court's Order (ECF No. 194).

Petitioner was previously given the benefit of Amendment 782 at a re-sentencing before this Court on April 1, 2014, pursuant to 22 U.S.C. § 2255. Initially sentenced to 264 months imprisonment, Petitioner's sentence was reduced to 151 months in anticipation of the passage of Amendment 782. Am. J., p. 2, ECF No. 163. At Petitioner's re-sentencing, counsel confirmed on the record that Petitioner was receiving this sentence reduction in light of Amendment 782, and Petitioner "agreed not to come back under 18 U.S.C. § 3582 if the amendment [was] adopted and made retroactive asking for" that same reduction again.

¹ On July 18, 2014, the United States Sentencing Commission voted to make Amendment 782 retroactively applicable to previously sentenced petitioners, pursuant to 28 U.S.C. § 994(u).

Re-sentencing Tr., p. 28. Accordingly, Petitioner is not entitled to an additional sentence reduction under Amendment 782.

Petitioner has cited no authority entitling him to reconsideration of this Court's prior Order. His Motion has been reviewed in its entirety, and this Court finds that no hearing is necessary. *See* Local Rule 105.6 (D. Md. 2016). For these reasons, Petitioner's Motion for Reconsideration (ECF No. 194) is DENIED.

CONCLUSION

For the foregoing reasons, it is this 19th day of January, 2017, ORDERED that:

1. Petitioner's Motion for Reconsideration (ECF No. 194) is DENIED; and
2. The Clerk of this Court transmit copies of this Memorandum Order to Petitioner and Counsel of Record.

Dated: January 19, 2017



Richard D. Bennett
United States District Judge